

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II
OF THE PATENT COOPERATION TREATY)
(PCT Rules 44bis.3(c) and 72.2)

To:

PFIZ, Thomas
Hauptmannsreute 93
70193 Stuttgart
ALLEMAGNE

Date of mailing (day/month/year)
11 May 2006 (11.05.2006)

Applicant's or agent's file reference
A 54 730 PCT

IMPORTANT NOTIFICATION

International application No.
PCT/EP2004/005120

International filing date (day/month/year)
13 May 2004 (13.05.2004)

Applicant

ACTS - ADVANCED CAR TECHNOLOGY SYSTEMS GMBH & CO. KG et al

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

None

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference A 54 730 PCT	FOR FURTHER ACTION	See item 4 below
International application No. PCT/EP2004/005120	International filing date (<i>day/month/year</i>) 13 May 2004 (13.05.2004)	Priority date (<i>day/month/year</i>) 06 June 2003 (06.06.2003)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant ACTS - ADVANCED CAR TECHNOLOGY SYSTEMS GMBH & CO. KG		

1.	This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).																								
2.	<p>This REPORT consists of a total of 9 sheets, including this cover sheet.</p> <p>In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.</p>																								
3.	<p>This report contains indications relating to the following items:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 15%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 35%;">Box No. I</td> <td style="width: 50%;">Basis of the report</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input checked="" type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input checked="" type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
<input checked="" type="checkbox"/>	Box No. I	Basis of the report																							
<input checked="" type="checkbox"/>	Box No. II	Priority																							
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability																							
<input type="checkbox"/>	Box No. IV	Lack of unity of invention																							
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement																							
<input checked="" type="checkbox"/>	Box No. VI	Certain documents cited																							
<input type="checkbox"/>	Box No. VII	Certain defects in the international application																							
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application																							
4.	The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).																								

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 100%;">Date of issuance of this report 01 May 2006 (01.05.2006)</td> </tr> <tr> <td>Authorized officer Ellen Moyse</td> </tr> <tr> <td>Telephone No. +41 22 338 89 75</td> </tr> </table>	Date of issuance of this report 01 May 2006 (01.05.2006)	Authorized officer Ellen Moyse	Telephone No. +41 22 338 89 75
Date of issuance of this report 01 May 2006 (01.05.2006)				
Authorized officer Ellen Moyse				
Telephone No. +41 22 338 89 75				
Facsimile No. +41 22 740 14 35				

PATENT COOPERATION TREATY

Translation

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Applicant's or agent's file reference

A 54 730 PCT

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/EP2004/005120

International filing date (day/month/year)

13.05.2004

Priority date (day/month/year)

06.06.2003

International Patent Classification (IPC) or both national classification and IPC

Applicant

ACTS - ADVANCED CAR TECHNOLOGY SYSTEMS GMBH & CO. KG

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability: citations and explanations supporting such statement
- ☒ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/005120

Box No. 1

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language
_____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/005120

Box No. II

Priority

1. ☒ The following document has not yet been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date in the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/005120

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability:
citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>3, 4, 9-11, 14, 15</u>	YES
	Claims	<u>1, 2, 5-8, 10, 12, 13, 16, 17</u>	NO
Inventive step (IS)	Claims	<u>11, 15</u>	YES
	Claims	<u>1-10, 12-14, 16, 17</u>	NO
Industrial applicability (IA)	Claims	<u>1-17</u>	YES
	Claims	<u></u>	NO

2. Citations and explanations:

1 The present opinion makes reference to the following documents:

- D1: EP-A-1 293 400 (BAYERISCHE MOTOREN WERKE AG)
19 March 2003 (2003-03-19)
- D2: WO 03/086826 A (KNIGHT-NEWBURY HEATH;
SVANTESSON ANDERS (SE); AUTOLIV. DEV (SE);
HAGLU) 23 October 2003 (2003-10-23)
- D3: EP-A-1 319 561 (PEUGEOT CITROEN AUTOMOBILES
SA) 18 June 2003 (2003-06-18)

2 INDEPENDENT CLAIM 1

2.1 The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 1 is not novel within the meaning of PCT Article 33(2).

D1 discloses (the references between parentheses apply to this document):

a device for raising the bonnet (1) of a motor vehicle during a collision with a pedestrian, with a retaining member (7, 9) for securing the bonnet to the vehicle body, and a pyrotechnic explosive unit (column 3, line 9) for releasing the retaining

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/005120

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability:
citations and explanations supporting such statement

member, the energy released by the explosive unit during the release of the retaining member actuating a lifting means (9) for raising the bonnet (1) into a collision position.

3 INDEPENDENT CLAIM 16

3.1 The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 16 is not novel within the meaning of PCT Article 33(2).

D1 discloses: a motor vehicle with a device according to claim 1.

4 INDEPENDENT CLAIM 17

4.1 The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 17 is not novel within the meaning of PCT Article 33(2).

D1 discloses (the references between parentheses apply to this document): a method for raising the bonnet (1) of a motor vehicle during a collision with a pedestrian, in which the bonnet is secured in the operating state to the vehicle body via a retaining member (7, 9) and the connection by the retaining member is released in the event of a collision by means of a pyrotechnic explosive unit (column 3, line 9), with the bonnet being raised into a collision position by means of the energy released by the explosive unit during the release of the retaining member.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/005120

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability:
citations and explanations supporting such statement

5.1. DEPENDENT CLAIMS 2, 5-8, 12 and 13

Claims 2, 5-8, 12 and 13 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT requirements for novelty and inventive step.

- Claim 2, see D1, column 3, lines 18-21;
- Claim 5, see D1, fig. 2;
- claim 6, see D1, device (9);
- claim 7, see D1, column 3, lines 18-21;
- claim 8, see D1, figs 1 and 2, joints (3, 4, 5, 6);
- claim 12, see D1, column 3, lines 36-40;
- claim 13, see D1, figures.

5.2. DEPENDENT CLAIMS 3, 4, 9 and 10

Claims 3, 4, 9 and 10 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT requirements for inventive step.

6 DEPENDENT CLAIMS 11 and 15

6.1. With regard to claim 11, see item 7.2. below.

6.2. The combination of features contained in dependent claim 15 is not known from the available prior art nor is it rendered obvious by it.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/005120

Box No. VI Certain documents cited

1. Certain published documents (Rule 43bis.1 and 70.10)

Application No.
Patent No.

Publication date
(day/month/year)

Filing date
(day/month/year)

Priority date (valid claim)
(day/month/year)

See supplemental sheet

2. Non-written disclosures (Rule 43bis.1 and 70.9)

Kind of non-written disclosure

Date of non-written disclosure
(day/month/year)

Date of written disclosure
referring to non-written disclosure
(day/month/year)

See form 210

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/005120

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

Box VI

7.1. WO 03/086826 A (KNIGHT-NEWBURY HEATH; SVANTESSON
ANDERS (SE); AUTOLIV DEV (SE); HAGLU)

23 October 2003 (2003-10-23)

Rule 64.3 and Rule 70.10, is to be mentioned as such
with its publication date/filing date or its
approximately claimed priority date specified, see
claims, search report.

7.2. EP-A-1 319 561 (PEUGEOT CITROEN AUTOMOBILES SA)

18 June 2003 (2003-06-18)

Rule 64.3 and Rule 70.10, is to be mentioned as such
with its publication date/filing date or its
approximately claimed priority date specified, see
search report (claim 11, fixing pin (71) fig. 4).